

## REMARKS

Claims 1-20 are pending in the application, claims 15-20 being newly added herein.

Claims 1 and 15 are the only independent claims.

### *Claims Rejections - 35 U.S.C. § 112*

Claims 4, 5, and 7-14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically maintains the following:

(a) There is no antecedent basis in claim 4 for the limitation "the self-contained breathing apparatus" in lines 3 and 4.

In response to the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to change the definite article "the" to the indefinite article "a" before the phrase "breathing apparatus".

(b) There is no antecedent basis in claim 5 for the limitations "said lower band" and "said pushbutton inflation control" in line 5.

In response to the rejection of claim 5 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to depend from claim 4 rather than from claim 1. There is a prior recitation of the term "pushbutton inflation control" in claim 4 and a prior recitation of the term "lower band" in claim 3 from which claim 4 depends.

(c) There is no antecedent basis in claim 7 for the limitation "said pushbutton inflation control" in line 2.

In response to the rejection of claim 7 under 35 U.S.C. § 112, second paragraph, claim 6 (from which claim 7 depends) is amended herein to depend from claim 4 rather than from claim 1. There is a prior recitation of the term "pushbutton inflation control" in claim 4.

(d) There is no antecedent basis in claim 8 for the limitation "said lower band" in line 5.

In response to the rejection of claim 8 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to depend from claim 4 rather than from claim 1. There is a prior recitation of the term "lower band" in claim 3 from which claim 4 depends.

(e) There is no antecedent basis in claim 9 for the limitation "said pushbutton inflation control" in line 2.

In response to the rejection of claim 9 under 35 U.S.C. § 112, second paragraph, applicant points out that claim 9 depends from claim 8 which in turn depends from claim 4. There is a prior recitation of the term "pushbutton inflation control" in claim 4.

(f) There is no antecedent basis in claim 10 for the limitation "the reserve" in line 4.

In response to the rejection of claim 10 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to change the definite article "the" in the limitation "the reserve" to the indefinite article "a" so that the limitation now reads "a reserve".

(g) There is no antecedent basis in claim 11 for the limitation "said vest" in line 2.

In response to the rejection of claim 11 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to depend from claim 3 rather than from claim 1. There is a prior recitation of the term "vest" in claim 3.

(h) There is no antecedent basis in claim 12 for the limitation "said vest" in line 2.

In response to the rejection of claim 13 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to depend from claim 3 rather than from claim 1. There is a prior recitation of the term "vest" in claim 3.

(i) There is no antecedent basis in claim 13 for the limitation "said vest" in lines 2 and 3.

In response to the rejection of claim 13 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to depend from claim 3 rather than from claim 1. There is a prior recitation of the term "vest" in claim 3.

(j) The limitation in line 2 of claim 13 that the manifold is "shaped like a tube" is unclear as to how much like a tube the manifold must be to be considered shaped "like a tube".

In further response to the rejection of claim 13 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to change the phrase "shaped like a tube" to the word "tubular".

(k) There is no antecedent basis in claim 14 for the limitation "said vest" in line 2.

In response to the rejection of claim 14 under 35 U.S.C. § 112, second paragraph, that claim is amended herein to depend from claim 3 rather than from claim 1. There is a prior recitation of the term "vest" in claim 3.

***Claims Rejections - 35 U.S.C. §§ 102 and 103***

Claims 1, 2 and 4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by European Patent Application Publication No. 1136351 A2 (Garofalo).

Claims 3 and 11-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garofalo in view of U.S. Patent No. 6,217,257 to Garofalo et al. and U.S. Patent No. 5,346,419 to Kaiser.

The Examiner has indicated that claim 6 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

**Claim 1** Applicant respectfully traverses the rejection of claim 1 as being anticipated by Garofalo. As set forth in applicant's claim 1, a buoyancy compensator device comprises an expandable air chamber and at least two outlets, one arranged in an upper region and one arranged in a lower region, wherein *a manifold connects the expandable air chamber to the outlets by means of a control valve.*

The Examiner points to the manifold (6) of the Garofalo diving suit as corresponding to the manifold of applicants' claim 1. However, the manifold (6) of Garofalo does not extend between the expandable air chamber and the outlets. Instead, the manifold of Garofalo extends

between the air supply or reserve bottles and a plurality of outlet valves. The purpose and function of the Garofalo manifold is not to guide air from the expandable air chamber to the air outlets but to conduct a valve-control high pressure from the air supply or reserve bottles to the valves to open the valves. The valve openings communicate *directly* with the expandable air chamber of the Garofalo diving suit, not indirectly via a control valve and a manifold as set forth in applicants' claim 1.

Thus, the art of record, particularly Garofalo, neither teaches a buoyancy compensator device wherein a manifold connects an expandable air chamber to outlets by means of a control valve. Garafalo instead teaches a diving suit wherein a manifold (6) and a control valve connects a pressure source (a bottle, not an expandable chamber) to outlet valves (3, 4, 5). The outlet valves communicate directly with the expandable chamber of the diving suit.

None of the other references of record provide any teachings that would suggest to one of ordinary skill in the art a modification of the Garofalo diving suit towards applicants' inventiojn as set forth in claim 1.

**Claim 15** New claim 15 is patentable over the prior art for these same reasons.

As set forth in claim 15, a buoyancy compensator device comprises an expandable air chamber, a manifold and a control valve. The manifold extends to and communicates with at least two outlets, one of the outlets being arranged in an upper region and one of the outlets being arranged in a lower region of the expandable air chamber. The control valve is disposed between the expandable air chamber and the manifold, whereby an opening of the control valve enables gas to pass from the expandable air chamber into the manifold and from the manifold through at least one of the outlets.

The manifold (6) of Garofalo does not communicate with the outlets controlled by the valves (3, 4, 5). Instead, the manifold, extends to the valves for controlling the open or closed

status thereof. Air from the Garofalo diving suit does not pass through the manifold (6) and then through the outlets controlled by the valves. Instead, the air in the diving suit passes directly through the valves (3, 4, 5) upon an opening thereof in response to a pressure transmitted via the manifold.

*Conclusion*

For the foregoing reasons, independent claims 1 and 15, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,  
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